EXPLANATION OF

22

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We spoke for several weeks on the nullifiers of Wudū'. The author رحمه الله تعالى said,

والنواقض في الطهارة الصغرى ثمانية: الخارج من السبيلين

He said the nullifiers of Wudū' are 8. الخارج من السبيلين, the first one, anything exiting from the two private parts. The second one is والفاحش من غيرهما, what's repulsive that exits from other than the two private parts. And we said the examples of that is the discharge of feces and urine from other than the private parts, like the surgical procedure they perform to make a hole that allows stool and urine to leave the body through the belly by placing a pouch on the side of the patient. And similar to what falls under here is the discharge of blood, the discharge of vomit, or, for example, the discharge of pus from wounds. And we spoke about the rulings pertaining to all that according to the 4 Madhāhib, and more, with proofs.

Nullifier #3 – وزوال العقل بغير نوم يسير جالسا أو قائما

Today we'll start with the third nullifier inshā'Allāh.

وزوال العقل بغير نوم يسير جالسا أو قائما

Losing consciousness, except for light sleep while one is sitting or standing. So, this issue that we have today is sleep nullifying Wudū', وزوال العقل بغير نوم يسير جالسا أو قائما. What the author's trying to say is that losing consciousness nullifies Wudū'. Sleep is like that, *except* light sleep while one is sitting or standing. So he gave the exemption of light sleep while one is sitting or standing, that's exempted from one having to make Wudū'.

Now, let's take the opinions of the Ulamā' pertaining to this matter. This is somewhat of a long Mas'alah. Not really *that* long, but somewhat long. And so, I'll start with the Rājih, for two reasons. The first reason is that if there is anyone who's not a student of 'Ilm and they just want the simple answer, they can get it from the beginning with some of the proofs that support it. And another benefit — because as I've said, this is somewhat of a long Mas'alah and we may even have to break it down to more than one class — is that when you know Ar-Rājih, especially in this Mas'alah and Masā'il similar to it, it'll help you understand the responses and rebuttals. The responses and rebuttals to the various opinions and how they use the proofs are geared toward Ar-Rājih. So, when you know Ar-Rājih off hand, you'll understand those comments or rebuttals that we make and how they are geared toward Ar-Rājih.

Ar-Rājih

Ibn Taymiyyah رحمه الله تعالى mentioned in the 21st volume of Al-Fatawā, he said, sleep is not a nullifier of Wudū' in and of itself. If it was a nullifier in and of itself, a tiny moment of sleep would nullify the Wudhu'. But it's not a nullifier in and of itself. It's not, for example, like discharge of urine, a tiny drop or a large amount nullifies the Wudū'. Sleep is a nullifier because it's a means for passing wind without one realizing it. And the summary and the Rājih from all the opinions is that general, deep sleep, where one reaches a point where he wouldn't know if he had passed wind, that's the sleep that nullifies the Wudū'. Sleep nullifying Wudū' really roams around one losing his feeling or awareness or senses. If one loses their feeling and awareness to a point that they wouldn't know if they had passed wind, that's the sleep to make Wudū' from. If that individual maintains his senses and awareness in light slumber or dozing off to the point he *would* realize if he committed a Hadath, then that sleep doesn't nullify the Wudū'. That's the simple answer and that's the standard to go by, regardless of what physical position one is in when he sleeps.

Why I say that is because some Ulamā', as you're going to see inshā'Allāh, placed exemptions from Wudū' based on the *way* one sleeps — if he's sitting, some said if he's standing, some said if he is in Salāh — they exempted that. Some Ulamā' exempted one from Wudū', one who sits firmly balanced on his bottom. And the answer to that is that even one sitting firmly on his bottom, if he's in deep sleep, he may commit a Hadath. And there is a nice incident that Ibn 'Abd Al-Barr رحمه الله تعالى related, we'll mention that within the opinions inshā'Allāh.

So again, the standard to go by is maintaining one's Ihsās — one's senses, his feelings, his awareness in his slumber or dozing off the point he realizes, or he would realize, if he committed a Hadath. This is the strongest conclusion taken from all the proofs combined. It combines, for example, between Hadīth Safwān Ibn 'Assāl (Hadīth Safwān Ibn 'Assāl indicates or is used to show that sleep nullifies Wudū'). This opinion, this Rājih, encompasses Hadīth Anas رضي الله عنه that's used or that indicates that Wudū' is not nullified by sleep.

Some add to it certain stipulations like sitting, and Hadīth Anas رضي الله عنه is to be taken to mean light sleep, where one doesn't lose awareness to the point that if he passes wind, he would know it. And you can't restrict it to sitting only. Why? Because that Hadīth Anas, that implies sitting, has another narration where the Sahābah were laying down and they got up to make Salāh without making Wudū'. So the status of one sitting or standing or laying is not the standard to go by. Hadīth Safwān Ibn 'Assāl, that we took many times, which is used to prove or indicate that sleep nullifies Wudū', is taken to mean that having deep sleep where one loses his senses in it. I don't see any authentic Hadīth or Athar on the matter pertaining to the ruling of sleeping and Wudū' that wouldn't coincide and fit with this selected Rājih.

That's the Rājih in summary, and now we'll take the detailed opinions for Talabat Al-'Ilm. Those detailed opinions I'm giving you, in this Mas'alah alone, are taken from tens of volumes of the various mother books of the various Madhāhib.

- The first opinion is the opinion of the author. We'll start with that. Short, light sleep while one is sitting or standing doesn't nullify the Wudū', everything else does. This opinion is considered the opinion of the Madhhab of the Hanābilah. They have more than one opinion, but this is regarded as the official opinion of the Madhhab. And we started with it because it's the opinion of the author of our book, رحمه الله تعالى, that we're teaching. He adopted that when he said وزوال العقل بغير نوم يسير جالسا أو قائما.

Their proofs, they took them step by step. The first proof they used was to just generally state that sleeping nullifies Wudū', and they used for that Hadīth 'Ali. Hadīth 'Ali رضي الله عنه in Sunan Ibn Mājah and Abu Dawūd:

الْعَيْنُ وِكَاءُ السَّهِ فَمَنْ نَامَ فَلْيَتَوَضَّأْ

The Hadīth, or I should say the supposed Hadīth, is saying that the eye while it's awake is compared to a leather strap or string that ties the anus. Whoever falls asleep let him make Wudū'. وِكَاء is a string or a strap that they used to tie the leather canteen so water and liquid in it wouldn't come out. السَّه means Ad-Dubur, a person's anus or rectum. So the Hadīth is saying, or the supposed Hadīth is saying, when the two eyes sleep, it's like the string around that leather canteen goes untied. What happens with the water or liquid inside? It starts pouring out. That Hadīth is weak.

The second proof they used is the Hadīth that we took many times, and that everyone should have memorized by now, and we should only refer to it as

Hadīth Safwān Ibn 'Assāl. But repetition is always good. Many of the Ahādīth that we memorized were actually before we sat to memorize them systematically. We memorized them from hearing them so much. And similar to that is poems. My father (may Allāh سبحانه وتعالى give him a long life full of deeds) used to memorize a lot of poems and use them in his Khutab and speeches and Durūs as I was growing up. And we memorized it through that before actually sitting down and systematically memorizing some poems. Hadīth Safwān Ibn 'Assāl:

كَانَ رَسُولُ اللَّهِ (ﷺ) يَأْمُرُنَا أَنْ لاَ نَنْزِعَ خِفَافَنَا ثَلاَثَةَ أَيَّامٍ إِلاَّ مِنْ جَنَابَةٍ لَكِنْ مِنْ

غَائِطٍ وَبَوْلٍ وَنَوْمٍ

"The Messenger (ﷺ) ordered us not to take our Khuff off for three days, except for major impurity (sexual impurity), not because of defecation, or sleep or urine", and of course, that's referring to travel. They said, that Hadīth says defecating, urinating, and sleep require Wudū', but you don't need to take the Khuff off unless it's a major impurity. That's proof they used for general, deep, or long sleep nullifying Wudū'.

The third proof they used was for sleeping while sitting. They said if it's light sleep while sitting, you don't have to make Wudū', and they used what I referred to earlier as Hadīth Anas:

كان أصحاب رسول الله (ﷺ) ينتظرون العشاء الآخرة حتى تخفق رءوسهم، ثم يصلون ولا يتوضئون

In Sunan Abu Dawūd and At-Tirmidhi, Anas رضي الله عنه said, "The companions رضي الله عنهم used to wait for Ishā' to the point that their heads would drop in sleep, and then they would offer the Salāh without performing Wudū'." What did they use that Hadīth for? They went step by step. They used that to exempt someone sitting while falling asleep from having to do Wudū'.

The fourth proof they used was for one who sleeps standing, and they also inferred proof from that for one who is sitting. They gave proof for general deep sleep, then they gave proof for sleep while sitting, now it's sleep for someone who is standing. Hadīth in Sahīh Muslim, Hadīth Ibn 'Abbās,

بِتُّ لَيْلَةً عِنْدَ خَالَتِي مَيْمُونَةَ بِنْتِ الْحَارِثِ فَقُلْتُ لَهَا إِذَا قَامَ رَسُولُ اللَّهِ (ﷺ) فَأَيْقِظِينِي. فَقَامَ رَسُولُ اللَّهِ (ﷺ) فَقُمْتُ إِلَى جَنْبِهِ الأَيْسَرِ فَأَخَذَ بِيَدِي فَجَعَلَنِي مِنْ شِقِّهِ الأَيْمَنِ فَجَعَلْتُ إِذَا أَغْفَيْتُ يَأْخُذُ بِشَحْمَةِ أُذُنِي

Ibn 'Abbās said, I slept at my aunt's house Maymūnah (his mother's sister), Maymūnah Bint Al-Hārith. He told Maymūnah, his aunt رضي الله عنها, "Wake me up when the Messenger (ﷺ) gets up to do his Qiyām." She woke him up. The

Messenger (ﷺ) stood in his Salāh and Ibn 'Abbās stood to his left. The Messenger (ﷺ) moved him to his right. Then Ibn 'Abbās said, and that's our point for this Hadīth, "When I dozed off, he would alert me by pulling my earlobe." What's this Hadīth used as proof for? For someone who sleeps while he's standing. The Messenger (ﷺ) kept alerting Ibn 'Abbās رضي الله عنهما as he dozed off standing in Salāh by pulling his earlobe. That was the fourth proof.

The fifth proof was inferred from that to back up exempting one who sleeps while he's sitting from Wudū'. They said, in the Hadīth of Ibn 'Abbās رضي الله عنهما he was dozing off or sleeping while he was standing, and he wasn't ordered to make Wudū'. They said sitting is like standing. In fact, it's even more secure from one passing wind, so it takes the same ruling.

Rebuttal

And now take some of the responses of Ulamā' that are geared toward Ar-Rājih. Hadīth 'Ali رضي الله عنه — the Hadīth that I said is weak, that compared two eyes asleep to a string around a canteen — that Hadīth and Hadīth Safwān (Hadīth Safwān is the one that we took in this series many times on different topics), those two Ahādīth indicate sleep invalidates Wudū'. The response to how they're used for our purpose of supporting the Rājih is that these Ahādīth — or I should say one of them is a supposed Hadīth — yes, they indicate sleep nullifies Wudū', but they don't specify a status. They don't specify short or long sleep or sitting or standing. How does that support the Rājih? They don't mention long term sleep or short-term sleep or deep sleep or light sleep or

standing or sitting. It supports the Rājih in that the *way* one sleeps is not what to go by, but rather we go by losing one's senses and awareness to the point they wouldn't realize if they committed a Hadath, regardless of how one slept. Also, Hadīth Ibn 'Abbās رضي الله عنهما, the Hadīth where he slept at his aunt's house رضي الله عنها and he joined the Messenger (ﷺ) in Qiyām, in support of the Rājih, that's to be interpreted as light slumber and drowsiness, the type that the Rājih said doesn't nullify the Wudū', and that's what An-Nawawi interpreted it to be.

As to Hadīth Anas رضي الله عنه, Hadīth Anas is the one where the companions used to wait for Ishā' to the point that their heads would drop in sleep, then they would offer Salāh without making Wudū', they said that exempts one who sleeps while he's sitting. The response to support the Rājih is that there is another narration of this Hadīth related by Abu Ya'lā, which states that they laid down.

كانَ أصحابُ رسولِ اللَّهِ (ﷺ) ينتظِرونَ الصَّلاةَ، فيضَعونَ جنوبَهم، فمِنهم من ينامُ ثمَّ يقومُ إلى الصَّلاةِ

This Riwāyah says 'laying down', and this Riwāyah saying 'laying down' destroys their argument of specifying sitting. How does that support the Rājih that we mentioned? They're using the narration that the Sahābah were sitting, that's within the official opinion of the Hanbali Madhhab, and they used that narration. There's another narration that says they were laying down. That refutes the idea of only exempting sitting, and it supports the Rājih in showing that physical status

shouldn't be the determining factor. It's the loss of awareness, regardless of one's physical status in his sleep. That's the first opinion, the opinion of the Madhhab of the Hanābilah, the opinion that light sleep while standing and sitting doesn't nullify the Wudū', everything else does.

- The second opinion is the opinion that — and it is a very popular opinion among people — that sitting firmly on one's bottom does not nullify the Wudū', everything else nullifies the Wudū'. In Al-Hāwi and Al-Majmū', they attributed this opinion to Ash-Shāfi'ī, and it appears to be the official opinion of the Shāfi'īyyah, and they also have other opinions pertaining to this matter. Here, they said sitting firmly on one's bottom doesn't nullify Wudū' in sleep, everything else other than this position nullifies Wudū'. They used as proof Hadīth Anas. Let me repeat it,

كان أصحاب رسول الله (ﷺ) ينتظرون العشاء الآخرة حتى تخفق رءوسهم ثم يصلون ولا يتوضئون

The companions رضي الله عنهم used to doze off while they waited for Salāt Al-Ishā', their heads dropping in sleep, and then they would get up and make Salāh without making Wudū'. They said that Hadīth means they were sitting, even though the Hadīth doesn't specify sitting. But they said because the Hadīth said their heads dropped while dozing off, it clearly means they were sitting, because heads don't drop dozing off except when you're sitting. They also added what I mentioned earlier, that sleep is not a nullifier in and of itself, it's a nullifier

because it may cause one to pass wind without knowing it. So they said based on that, we distinguish between one who is firm in the way he's sitting on his rear (where he most likely will not pass wind) and one who isn't sitting firm on his bottom. They said someone who is laying down or in Rukū' or Sujūd or other various settings, it's easier for him to pass wind and nullify the Wudū', and therefore sleeping in those settings would require one to make Wudū', unlike one who's sitting firmly on his behind.

Rebuttal

Al-Qarrāfi رحمه الله تعالى responded to them with a response that goes along with what we said is Ar-Rājih. He said that type of sitting that you specify (firmly on one's bottom) doesn't always stop the passing of wind. If a person's muscles loosen and relax while he's asleep in that position, he may also pass wind. And also Hadīth Anas رضي الله عنه, that we mentioned, has another narration that the Sahābah were laying down. So if you use the narration of Hadīth Anas رضي الله عنه that they were sitting, what do you have to say about the other narration that they were laying down? And that goes to support what we said earlier is Ar-Rājih, that the type of setting one sleeps in is not the determining factor. This is the opinion of Ash-Shāfi'īyyah — requiring Wudū' from sleep while laying down, or any other status other than firmly sitting on one's bottom. This opinion of Ash-Shāfi'īyyah used *one* of the narrations of Hadīth Anas. The one I said is Ar-Rājih encompasses *both* narrations of Hadīth Anas. It goes to show the setting itself is not the standard, but rather loss of full awareness and sleep.

- The third opinion is that all sleep nullifies Wudū'. Every status one sleeps on — sitting, standing, in Salāh, heavy, light — *all* sleep nullifies Wudū'. This is one of the opinions of Ash-Shāfi'īyyah, it's the opinion chosen by Ishāq Ibn Rāhawayh and Al-Muzani. They chose for proof Hadīth Safwān Ibn 'Assāl

كَانَ رَسُولُ اللَّهِ ـ (ﷺ) ـ يَأْمُرُنَا أَنْ لاَ نَنْزِعَ خِفَافَنَا ثَلاَثَةَ أَيَّامٍ إِلاَّ مِنْ جَنَابَةٍ لَكِنْ مِنْ غَائِطٍ وَبَوْلٍ وَنَوْمٍ

"The Messenger (ﷺ) ordered us not to take off our Khuff for three days, except for major impurity, but not in the case of defecation, urine, or sleep." They said that Hadīth (Hadīth Safwān) indicates two things. First of all, it combined urinating and defecating with sleep. Urinating and defecating nullify Wudū', so that means sleep does as well. That's number one. Number two, they said the Hadīth made no distinction pertaining to the status of one's sleep, it didn't say whether he was standing or sitting or lying or having deep sleep or light sleep or long sleep or short sleep, none of that is mentioned. They said the Hadīth just said sleep, so it means all and any type of sleep.

Rebuttal

The response to their rationale is that this Hadīth is not centered on the ruling pertaining to sleep invalidating Wudū'. That's something Ibn Taymiyyah رحمه الله تعالى said. Meaning, when we took this Hadīth, if you remember, the first

time we took it, why did we take it? We took it, if you remember, because of the ruling pertaining to Khuff. We took it pertaining to Khuff. That's the main focus of the Hadīth, not Wudū' from sleep. That's number one.

Number two: yes, sleep is mentioned with no restriction in that Hadīth, but when taken along with the other Ahādīth, as we should do and as we mentioned in Ar-Rājih, this Hadīth is interpreted to mean heavy sleep where one loses his awareness. They also use the supposed Hadīth, that's supposedly related by 'Ali,

أَلْعَيْنُ وِكَاءُ السَّهِ فَمَنْ نَامَ فَلْيَتَوَضَّأْ

And we said it's weak.

The third proof that they used, is that they compared sleep to being fully unconscious. They compared sleep to someone fully passing out. Being fully unconscious, they said, is a nullifier by Ijmā'. They said sleep is just like that. They both lost their awareness and their mind. An-Nawawi رحمه الله تعالى responded to that and said there is a difference between one being unconscious and one sleeping. Being unconscious, he loses his mind fully. If you wake him up, he doesn't wake up. There is a difference between that and a person sleeping who has his senses and if you wake him up, he wakes up. In a nutshell, a person classified as being unconscious is different than one sleeping in many ways.

- A fourth opinion — we took three opinions so far pertaining to sleep — the fourth opinion, it's mentioned in some books like Al-Majmū' for An-Nawawi and other books, that sleep is not a nullifier in Salāh. It's not the opinion of An-Nawawi, he just related it in Al-Majmū'. So they said if one sleeps in his Salāh, his Salāh is not nullified and they used the Hadīth in Ad-Daraqutni and Al-Bayhaqi,

إذا نام العبد في صلاته باهى الله به ملائكته يقول انظروا إلى عبدي روحه عندي

وجسده ساجد بين يدي

A supposed Hadīth Qudsi that when a slave falls asleep in his Salāh, Allāh boasts and praises to the angels saying, "Look at my servant, his soul is with me, and his body is in Sujūd between my hands." They said if his Wudū' was invalid, Allāh wouldn't refer to him as a Sājid. That Hadīth is a weak Hadīth. If one lost his senses and awareness in sleep during Salāh to the point where he wouldn't know if he passed wind, even in Salāh, he has to make Wudū'. The Hadīth of Ibn 'Abbās رضي الله عنهما about dozing off (light sleep) is for light sleep that one doesn't lose his senses in it.

And a side issue on this topic is that the Messenger (ﷺ) disliked for one to make Salāh while he's sleepy. In Sahīh Al-Bukhāri and Muslim,

إِذَا نَعَسَ أَحَدُكُمْ وَهُوَ يُصَلِّي فَلْيَرْقُدْ حَتَّى يَذْهَبَ عَنْهُ النَّوْمُ، فَإِنَّ أَحَدَكُمْ إِذَا صَلَّى وَهُوَ نَاعِسٌ لاَ يَدْرِي لَعَلَّهُ يَسْتَغْفِرُ فَيَسُبَّ نَفْسَهُ

If one of you is sleepy and he is about to perform Salāh, let him rest until the sleep is gone, because if anyone of you performs Salāh while he's sleepy, he may say something he didn't intend to say. For example, he may be seeking Istighfār from Allāh, but ends up doing the opposite and cursing himself.

We'll stop here inshā'Allāh and continue with the following opinions next week inshā'Allāh, because it's a heavy lesson and I probably actually should have cut it off sooner.

Let's take the outline of the opinions, we're on the author's statement pertaining to Wudū': وزوال العقل بغير نوم يسير جالسا أو قائما. We mentioned four opinions on whether sleep nullifies Wudū'. These opinions are like an outline. One should capture them in your mind, you work off that outline, then you add the proof, then what the Ulamā' said back and forth. If you fully studied it and went over it and asked questions that you find difficult, you capture that outline in your mind — the outline which is the opinions of the Ulamā' — and the proofs and rationales will be quickly remembered after that.

Reviewing the Masā'il that we take with a partner is a very good idea that I recommend. One thing that helps stabilize 'Ilm is teaching it, meaning repeating it to somebody else, or if no one is around, study the Mas'alah fully, leave your books and

computer at home, take a walk and repeat the Mas'alah or the Masā'il to yourself. Constantly thinking and reviewing the Fiqh' Masā'il is a great way to remember them and also, it's a great way to free your mind from life's daily stresses and problems and trials that everyone endures. When I visited Shaykh Muqbil Ibn Hādi Al-Wādi'ī in California, he was facing trials, and among them was his health issue. He had a major health issue, that's why he was in California. He told me he likes to analyze Fiqh matters and break them down in his mind and quiz his students about them, if they're around — which is something he always did. He told me that doing that helps him free his mind from anything that he's enduring. It helps him from burning himself out thinking about personal problems or trials or difficulties that one may be enduring. And as with everything else, knowledge that's not constantly reviewed will be forgotten, no matter how good you have it.

So, the opinions we took so far are:

1. Short, light sleep when one is sitting or standing doesn't nullify the Wudū', everything else does.
2. Sitting firmly on one's bottom doesn't nullify the Wudū', everything else nullifies the Wudū'.
3. All sleep nullifies Wudū'.
4. Sleep is not a nullifier of Wudū' in Salāh at all.

And we'll continue from here next week inshā'Allāh. The first opinion is the Madhhab of the Hanābilah, the second one is the Madhhab of the Shāfi'īyyah, third is the

opinion within the Madhhab of the Shāfi'īyyah, and the fourth is an opinion related by some Ulamā' like An-Nawawi رحمه الله تعالى, not that he adopted it but that he related it.

Jazākumullāh Khayr.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم